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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No.17843/1998

Smt. Pratima R Shetty,
Doddajala,
Jala Hobli,
Bangalore North Taluk
and District. .. Petitioner

(By Sri Ashok Haranahalli,
Advocate)

Vs.

1. Tahsildar,
Bangalore North Taluk,
Yelahanka,
Bangalore.
2. Assistant Commissioner,
Bangalore North District
Forum, Bangalore.
3. Special Deputy Commissioner
(Revenue),
Bangalore District,
Bangalore.
4. Land Grant Committee for
Regularisation of
Unauthorised Occupation,
Bangalore North Taluk,
Bangalore. ..Respondents

(By Sri B.E.Kotian,
Government Advocate)

Writ Petition filed under Articles 226 and 227 of the Constitution of India with an affidavit praying for a direction to respondents 1 to 4 to consider the

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application filed by the petitioner as per Annexure-C for regularisation of her unauthorised occupation expeditiously, etc.

This petition coming on for preliminary hearing in 'B Group' before Court this day, the Court made the following:

O R D E R

Though this petition is listed for preliminary hearing in 'B Group', with the consent of learned Counsel appearing for the parties, it is taken up for final hearing and disposed of by this order.

2. Sri Ashok Haranahalli, learned Counsel appearing for the petitioner, submitted that in view of Section 94-A of the Karnataka Land Revenue Act, 1964 (hereinafter referred to as "the Act"), the petitioner, who is in unauthorised occupation of the Government land measuring 2 acres 30 guntas in Survey No.43 situated at Doddajala village, Bangalore North Taluk, is entitled for regularisation of her unauthorised occupation of the land in question, but without disposing of the application made by the petitioner, a copy of which has been produced as Annexure-C, steps are being taken up by the Authorities to dispossess the petitioner from the said land. He pointed out that if the petitioner is

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dispossessed during the pendency of the application filed by the petitioner, she will be put to irreparable loss and injury; and her claim for regularisation of the unauthorised occupation of the land in question becomes infructuous. He further submitted that in this background, a direction is required to be given to the respondents to dispose of the application filed by the petitioner expeditiously and till that is done, the respondents must be restrained from dispossessing the petitioner from the land in question. Relying upon the endorsement, a copy of which has been produced as Annexure-E, Sri Haranahalli pointed out that there cannot be any dispute with regard to the possession of the petitioner in respect of the land in question.

4. Sri B.E.Kotian, learned Government Advocate, submitted that the petitioner is not entitled to seek regularisation of her unauthorised occupation of the land in question. He also disputes the claim of the petitioner that she is in unauthorised

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occupation of the land in question.

5. The petitioner has produced a copy of Form No.50 filed by her as Annexure-C and it is not seriously disputed. Sri Ashok Haranahalli, at the hearing of the petition, showed me the acknowledgment dated 31st of August 1991 to establish that the petitioner had filed Form No.50 seeking regularisation of her unauthorised occupation in respect of the land in question. The endorsement Annexure-E, as pointed out by the learned Counsel for the petitioner, shows that the petitioner has been in possession of 5 acres 27 guntas in Survey No.193 excluding 2 acres of land in respect of which the petitioner has got an order of conversion from agricultural purpose to non-agricultural purposes, which includes the Government land. Section 94-A of the Act provides for regularisation of unauthorised occupation of the Government land. Since the application filed by the petitioner has not yet been disposed of, the only order that can be made at this stage is to direct the 4th

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respondent-Committee to dispose of Form No.50 filed by the petitioner as per Annexure-C for regularisation of her unauthorised occupation of the land in question, as expeditiously as possible and at any event of the matter, not later than 9 months from the date of receipt of a copy of this order. In the meanwhile, the respondents are directed not to dispossess the petitioner from the land in question. However, the direction given by this Court to dispose of the petitioner's application should not be understood as this Court expressing any opinion on the merits of the claim of the petitioner.

6. All the contentions urged by the learned Counsel for the petitioner and the learned Government Advocate are left open to be urged before the Committee.

7. This petition is allowed and disposed of in terms stated above. Rule is issued and made absolute.

8. Sri B.E.Kotian, learned Government

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Advocate, is permitted to file his memo of appearance within four weeks from today.

Sd/-
JUDGE



ANB.